

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.1012/2023
IN
SECOND APPEAL NO.157/2010

Shaikh Lal s/o Shaikh Sardar (dead)

Vs.

Chandrabhan Punjaji Shegokar thr. LR's Shantabai Chandrabhan Shegokar
 and others

 Office Notes, Office Memoranda of Coram,
 Judge's orders
 appearances, Court's orders of directions
 and Registrar's orders

Court's or

Shri N.O. Thod, Advocate h/f Shri N.R. Saboo, Advocate for appellants
 Shri S.K. Bhattacharya, Advocate h/f Shri N.S. Warulkar, Advocate for
 respondents

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 06/12/2023

The present application is filed for condonation of delay and setting aside abatement for bringing legal representatives of appellant on record. It appears that appellant is expired on 05/10/2021. Applicants submit that on 11/07/2023, the Counsel for appellant informed about listing of the matter before this Court filed by appellant. Thereafter, the present application is filed.

2. The learned Counsel for respondents opposed the present application. However

considering the reasons stated in paragraph No.3 of the application and as right to sue survives, application is allowed.

3. Delay in filing application for setting aside abatement and bringing legal representatives of appellant is hereby condoned.

4. Abatement is set aside.

5. The application stands disposed of.

CIVIL APPLICATION (CAS) NO.1013/2023

1. The present application is filed for bringing legal heirs of appellant. The application is supported by death certificate of appellant.

2. The names of legal representatives of appellant is mentioned in paragraph No.1 of this application. The death certificate is placed on record. As right to sue survives, application is allowed.

3. Necessary amendment to be carried out within a period of two weeks.

4. The application stands disposed of accordingly.

SECOND APPEAL NO.157/2010

It appears that Civil Application No.743/2023 was filed for grant of early hearing and it was allowed vide order dated 10/07/2023. However, in view of the death of appellant, it could not be listed. As such, list the matter for final hearing on 17/01/2024.

JUDGE*R.S. Sahare*